



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

mf

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,554	11/09/2001	Hajime Ashihara	Q67202	5906

7590 09/26/2006
SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037-3213

EXAMINER

POND, ROBERT M

ART UNIT PAPER NUMBER

3625

DATE MAILED: 09/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/986,554

Applicant(s)

ASHIHARA, HAJIME

Examiner

Robert M. Pond

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-10 and 15-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-10 and 15-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Response to Amendment

The Applicant canceled claims 2, 3, and 12-14, and amended claims 5, 8, 15, and 18. All pending claims 5-10 and 15-20 were examined in this final office action necessitated by amendment.

Response to Arguments

Applicant's arguments filed 07 July 2006 have been fully considered but they are not persuasive. Ghosh was withdrawn in favor of Buyclassiccars.com in order to address the amended claim language. Arguments pertaining to Ghosh are moot.

Buyclassiccars.com teaches an online web-based system and method that serves the collectible/classic car industry buyers by providing the means by which a buyer can order an inspection report for one or more cars for a fee using email, fax, or telephone, have one or more cars inspected by an inspector at the location of the car(s), and receive the prepared report.

Separate from the art rejection, onsite inspection services are notoriously old and well-known in various industries. For example, real estate buyers employ inspectors who produce reports for the buyer for a fee and have to physically visit the location of the seller's house to conduct the inspection. The same is true in the boating industry. A buyer desiring a used boat will have the boat surveyed by

a third-party inspection service or private surveyor a complete inspection and report for a fee. The point of providing these examples is the Applicant's claims pertaining to the use of remotely connected computers to request and convey a charge for an inspection report and the report, is merely intended use of computers connected over the Internet for the purpose of communicating business information. The Examiner believes Woolston, Walker, and Buyclassiccars.com combination, albeit a bit of an overkill based on the above analysis, is proper. All three references attempt to solve the problem of facilitating business transactions within the collectibles industries.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- 1. Claims 2-10 and 12-20 are rejected under 35 USC 103(a) as being unpatentable over Woolston (Paper #20060327, US 5,845,265) in view of Walker (Paper # 20060327, US 6,108,639) as taught by Buyclassiccars.com (PTO-892, Item: U).**

Woolston teaches a system and method of creating a computerized market for used and collectible goods by use of a market maker computer. Woolston further teaches:

- Transmitting sales information from an agent server to a user terminal via a communications network: market maker computer receives product listings from sellers, posts the product listings for participants to access, view, and purchase (see at least abstract; col. 1, line 3 through col. 16, line 7). Seller takes item and physically presents to market maker computer managing a consignment node (see at least Fig. 1; col. 2, lines 20-67). For example, Woolston discloses a seller posting a product listing via the market maker computer wherein the participant (i.e. buyer)

purchases it at the storefront (see col. 1, lines 37-41). Please note: seller is not connected to participant over the communication's network.

- Displaying at the user terminal; selecting an item: (see at least Fig. 8 (450-460); col. 13, lines 22-56).

Woolston teaches all the above as noted under the 103(a) rejection and further teaches a) participants acquiring products via online auctions (see at least col. 5, lines 46 through col. 6, lines 67), and b) provisions to deter fraud through misrepresentation of bone fides of the goods or through financial fraud (see at least col. 18, lines 46-62), but does not disclose the user requesting an inspection report. Walker teaches a system and method for collectors to buy and sell collectibles in an online format, providing a third-party inspection service to remove buyer concerns about authenticity of a collectible, and teaches the seller being directed to send the item(s) to an authenticator for a third-party inspection (see at least abstract; col. 2, lines 49-63; col. 3, line 21 through col. 4, line 37). Walker further teaches the authenticator determining the item to be valid or invalid and notifying the system (i.e. receives report back from authenticator) (see at least col. 12, line 35 through col. 13, line 7). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the system and method of Woolston to have a third-party inspect goods to be purchased and to issue a reporting indication whether the item is valid or invalid as taught by Walker, in order increase sales by attracting buyer who otherwise would be leery of using an online shopping site.

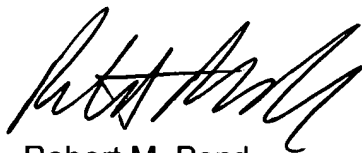
Woolston and Walker teach all the above as noted under the 103(a) rejection and substantially teach the claimed invention by providing bidirectional communication between the buyer and the system to accept/cancel a purchase and to initiate request for inspection services, interaction between the seller and the system and the third-party authenticator, and charging the seller for the inspection service. Woolston and Walker, however, do not teach the buyer paying for an inspection for an item at a shop not accessible via the communications network. Buyclassiccars.com teaches a online web site supports the collectible car industry and allows classic car shoppers to electronically request inspection services (e.g. email, fax) for one or more cars, receive a cost for the inspection service, receive an inspection report, and further teaches an inspector physically visiting the location of the car to be inspected, wherein locations comprise private seller locations or dealer locations (U: see pages 1, 3, 4 and 7). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the system and method of Woolston and Walker to charge the buyer for a report on a product as a result of an inspection conducted at the site of the product location as taught by Buyclassiccars.com, in order to cover costs associated with an onsite detailed report.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Pond whose telephone number is 571-272-6760. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Jeff Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Robert M. Pond
Primary Examiner
September 15, 2006